

IN THE CIRCUIT COURT OF NESHOPA COUNTY, MISSISSIPPI

SUSAN MATHIS

PLAINTIFF

VS.

CAUSE NO.: De-CV-0046-NS-C

CINGULAR WIRELESS

DEFENDANT

COMPLAINT

COMES NOW the Plaintiff, Susan Mathis, by and through counsel, and files this her Complaint, and for cause would show unto this Court the following, to-wit:

PARTIES

1.

Plaintiff is an adult resident citizen of Neshoba County, Mississippi.

2.

At the times mentioned in this action Defendant, Cingular Wireless, was a corporation organized under the laws of Mississippi, and engaged in the business of selling cellular phones at retail under the name of Cingular Wireless, at 1065 County Road in the city of Philadelphia, Neshoba County, in the State of Mississippi. Defendant may be served through its registered agent for service of process, Corporation Service Company at 5565 South President Street, Jackson, MS. Plaintiff respectfully requests that process be returned to Plaintiff's counsel for private process service on this Defendant.

FACTS

3.

On or about December 20, 2004, Plaintiff Susan Mathis, a business invitee, walked out of the Cingular Wireless at 1065 County Road, Philadelphia, MS, and was headed to her car in

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TIME 11:10
PATTI DUNCAN LEE
CIRCUIT CLERK

the parking lot. As Mrs. Mathis turned the corner of the Cingular Wireless building, she tripped and fell over a crosstie, due to inadequate lighting, thereby proximately causing serious injury and damages to the Plaintiff as outlined below.

4.

At the time of said fall, the company failed to take proper and reasonable precautions to prevent this type of incident from occurring. No warnings were given to the Plaintiff of this condition. Cingular Wireless has since provided lighting in the subject area. Cingular Wireless knew or should have known of this unreasonable hazard.

5.

At all times, Plaintiff acted in a safe, reasonable and prudent manner.

**COUNT I
NEGLIGENCE OF CINGULAR WIRELESS**

6.

Plaintiff realleges those averments contained in Paragraphs 3 through 5 of this Complaint.

7.

At all times relevant hereto, Cingular Wireless had a duty to exercise that reasonable care owed to its invitees.

8.

On or about December 20, 2004, the Plaintiff, tripped and fell over a crosstie on the defendant's property. The fall was proximately caused by a hazardous condition on the premises which this Defendant had notice of, yet failed to remedy or adequately warn of, causing serious injury to her person.

9.

The injuries sustained on that date was a proximate result of an unreasonably dangerous condition then existing on the Defendant's premises. Cingular Wireless, its employees and/or agents created, knew of, or with reasonable diligence should have known of said unreasonably dangerous condition. Said condition includes, but is not limited to, the existence of the crosstie hazard, the inadequate lighting around the building and inadequate warnings of such hazard (none).

10.

The Defendant knew, or with reasonable diligence should have known of the dangerous conditions prior to the alleged occurrence, failed to correct in a timely fashion to correct the hazardous condition proximately causing the Plaintiff's injuries and damages.

11.

At all times relevant hereto, said dangerous conditions on Defendant's premises was within unobstructed access of agents or employees of the Defendant.

DAMAGES

12.

As a reasonably foreseeable and proximate result of said negligence, the Plaintiff has incurred damage including medical expenses, pain, suffering, lost wages and mental anguish.

13.

As a reasonably foreseeable and proximate result of said negligence, the Plaintiff reasonably anticipates incurring future medical expense, future pain and suffering, permanent physical impairment, loss of wage earning capacity and permanent disfigurement, in addition to other permanent injuries.

WHEREFORE, the Plaintiff, Susan Mathis, respectfully requests that this Court award

damages for past and future medical expenses, past, present and future pain, suffering and mental anguish, lost wages, permanent physical impairment, loss of wage earning capacity and other permanent injuries in an amount to be determined by a jury, believed to be in excess of this Court's jurisdictional minimum.

Further, the Plaintiff requests all general relief to which she may be entitled.

DATED, this the 21st day of February, 2006.

Respectfully submitted,

SUSAN MATHIS, PLAINTIFF

By: _____

LANCE L. STEVENS
HER ATTORNEY

LANCE L. STEVENS (MSB #7877)
STEVENS & WARD, P.A.
1855 Lakeland Drive
Suite P-121
Jackson, Mississippi 39216
Telephone: (601) 366-7777
Facsimile: (601) 366-7781
Email: lstevens@stevensandward.com

STATE OF MISSISSIPPI
NESHOBIA COUNTY
I, PATTI DUNCAN LEE, Clerk of the Court in and for
said state and county, hereby certify that the
above and foregoing is a true and correct copy.
Given under my hand and seal of office.
This the 5th day of February, 2006.
PATTI DUNCAN LEE, CLERK
BY Shannon [Signature]

IN THE CIRCUIT COURT OF
OF NESHOBIA COUNTY, MISSISSIPPI

SUSAN MATHIS

PLAINTIFF

V.

CASE NO.: D6-CV-00416-NS-C

CINGULAR WIRELESS

DEFENDANTS

SUMMONS
BY PRIVATE PROCESS SERVER

THE STATE OF MISSISSIPPI

TO: Corporation Service Company
506 South President St.
Jackson, MS 39201

As Agent for Cingular Wireless

NOTICE TO THE DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint
to HONORABLE LANCE L. STEVENS, the attorney for the Plaintiff, whose address is 1855
LAKELAND DRIVE, SUITE P-121, JACKSON, MISSISSIPPI 39216.

Your response must be mailed or delivered within thirty (30) days from the date of
delivery of this summons and complaint or a judgment by default will be entered against you for
the money or other things demanded in the complaint.

You must file the original of your response with the Clerk of this Court within a
reasonable time afterward.

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TIME 12:00
PATTI DUNCAN LEE
CIRCUIT CLERK

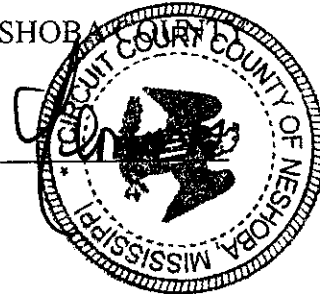
Issued under my hand and the seal of said Court, this 3rd day of March,

2006.

PATTI DUNCAN LEE
CIRCUIT CLERK, NESHOBAY

BY:


DEPUTY CLERK



PROOF OF SERVICE-SUMMONS

(Process Server)

AGENT Served: Corporation Service CompanyAs agent for the following ENTITY: Cingular Wireless

I, the undersigned process server, served the Summons and Complaint upon the agent for the entity named above in the manner set forth below:

☒ I personally delivered copies to Danny L. Perry, Corporation Service on the 6th day of April, 2006, where I found said person in Hinds County, of the State of Mississippi.

☐ I was unable to deliver copies of the above to _____, but on the ____ day of _____, 200____, I left them with _____, who is an employee or coworker above the age of 16 and willing to receive same on the behalf of _____. A copy of the summons and attachments were then forwarded to the above-listed agent by U.S. Mail, postage prepaid to the address of _____ on the ____ day of _____, 200____.

☐ I was unable to locate _____ for service of the summons and attachments.

☐ CERTIFIED MAIL SERVICE. I have served copies of the summons and attachments by mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (The signed return receipt or the return envelope marked "Refused" is attached.)

At the time of service I was at least 18 years of age and not a party to this action.

Signed by:

NAME:

ADDRESS:

Melanie J. Wall1855 Lakeland Dr Ste-P121
Jackson, MS 39216

STATE OF MISSISSIPPI

COUNTY OF Hinds

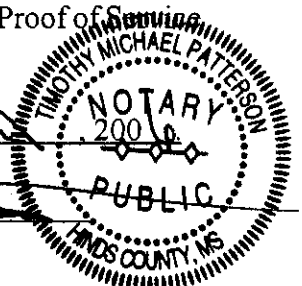
PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Melanie Wall, who having been by me first duly sworn, states on his/her oath that the matters and facts set forth in the above and foregoing Proof of Service are true and correct as therein stated.

SWORN TO AND SUBSCRIBED before me, this the 6th day of April

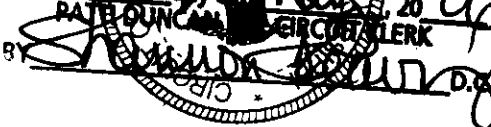
NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Dec 21, 2009
BONDED THIRD NOTARY PUBLIC UNDERWRITERS

NOTARY PUBLIC

(SEAL)



My Commission Expires: _____

STATE OF MISSISSIPPI
NESHOBIA COUNTY
I, PATTI DUNCAN REE, Clerk in and for
said state and county, hereby certify that the
above and foregoing is true and correct copy.
Given under my hand and seal of office
This the 1st day of May, 2006
PATTI DUNCAN REE, CLERK
BY  D.R.